

### **REMARKS**

Claims 5-15 are all the claims pending in the application. By the present Amendment, Applicant is amending claims 5, 6 and 12-15, and adding new claims 16-20.

#### ***Preliminary Remarks***

Applicant thanks the Examiner for accepting the drawings filed with the application on November 21, 2005, and for acknowledging the Applicant's claim to foreign priority. In addition, Applicant thanks the Examiner for confirming review and consideration of all information disclosure references submitted to the Office on November 21, 2005, and April 10, 2008.

#### ***Response to Objections and Prior Art Rejections***

In response to the Examiner's objection to the title, Applicant is amending the specification herein to provide a new title that is indicative of the invention to which the claims are directed. Applicant respectfully requests the Examiner to withdraw the objection. In addition, Applicant is amending the specification in minor respects, to correct typographical errors identified by the Applicant during review of the application.

In the Office Action dated January 22, 2009, the Examiner rejects claims 5-15 solely under 35 U.S.C. §102(e) as anticipated by U.S. 6,795,137 to Whitted et al. (Whitted).

Whitted relates to energy efficient transmissive and transreflective display devices that utilize ambient light from a natural or artificial source to replace or supplement light normally supplied by a backlight. One or more photo-sensors detect the amount of light incident on the front and/or rear of the display panel. The photo-sensor output is then used to automatically adjust the backlight intensity. *See e.g.* Abstract.

The grounds of rejection reference the embodiment of Fig. 12 as representative of the allegedly anticipatory disclosure of Whitted. Fig. 12 illustrates a portable computer including a light sensor and intensity control circuit. *See* col. 4, lines 43-45. As described in Whitted,

The portable computer 500 [has] a display comprising a backlight 510, diffuser 509, transmissive display panel 206 and a photo-sensor 502. The photo-sensor 502 is mounted on the front of the display panel 206 so that the intensity of light falling on the front of the display panel 206 can be measured.... The portable computer 500, further comprises a backlight intensity control circuit 503 and a brightness control circuit 504 which are used to control the amount of power supplied to the backlight 510 and thus the intensity of light supplied to the rear of the display panel 206.

Whitted at col. 7, line 55, to col. 8, line 2 (emphasis added). Thus, the Whitted reference expressly states that the photo sensor 502 measures the intensity of ambient light falling on the front of the display panel 206. This is further confirmed by Fig. 12 itself, which depicts an arrow directed on the sensor 502. Yet more confirmation is found in the passages describing the functioning of the portable computer 500:

The intensity of the backlight 510, as a function of the photo-sensors and brightness control outputs, is adjusted so that the perceived brightness of the display will remain generally constant despite changes in ambient light conditions. Accordingly, when the output of the photo-sensor 502 indicates an increase in the intensity of the ambient light striking the screen 206, the power to the backlight 510 will be increased. As the intensity of the ambient light striking the screen 206 decreases, the intensity control circuit decreases the power supplied to the backlight 510 and thus the intensity of the light output therefrom.

Whitted at col. 8, lines 14-21 (emphasis added).

The arrangement claimed in independent claim 5 differs fundamentally from the portable computer of Whitted, in that claim 5 requires: “first light-permeable parts [to be] arranged between the back light and the sensor, [and] the sensor [to sense] the luminance of the first light-permeable parts.” In Whitted, even if, as done in the grounds of rejection, the panel 206 is analogized to the “first light-permeable parts,” the sensor 502 does not sense the luminance of

the panel 206. As noted above, Whitted is clear and consistent in disclosing that the sensor 502 measures, instead, the intensity of ambient light falling on the front of the display panel 502.

The disclosure of Whitted is equally ineffective in teaching or suggesting the arrangement claimed in independent claim 12. Claim 12 recites: “further light permeable parts arranged between the back light and the sensor, wherein the sensor senses the luminance of the back light influenced by the further light-permeable parts.” The sensor 502 of Whitted senses the ambient light falling on the front of the display panel 206; nothing in Whitted suggests that the sensor 502 senses the luminance of the backlight 510 as influenced by the display panel 206 or any other light-permeable parts.

Finally, newly added independent claim 16 recites, *inter alia*, “a flat screen display panel having ... a first light-permeable layer...; a back light illuminating the panel ...; and ...a sensor detecting a luminance of the backlight through [a] second light-permeable layer but not through the first light-permeable layer.” Whitted is deficient in multiple respects in teaching or suggesting such an arrangement. For example, Whitted does not include a second light-permeable layer in addition to the panel 206; Whitted does not detect the luminance the backlight 510; and Whitted fails to detect the luminance through a second but not through the first light-permeable layer.

For at least the respective reasons presented above, Applicant considers independent claims 5, 12 and 16 patentable over Whitted and over the prior art made of record to date. The respective dependent claims are considered to be patentable at least by virtue of their dependencies.

***Closing Remarks***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

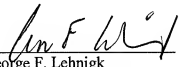
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 22, 2009

  
George F. Lehnig  
Registration No. 36,359